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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/386,339

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HIROSHI KATSURABAYASHI

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07/28/2006

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/386,339

**Applicant(s)**

KATSURABAYASHI ET AL.

**Examiner**

Susanna M. Diaz

**Art Unit**

3623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-11, 13-24, 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 25 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 3, 2006 has been entered.

Claims 1-28 have been amended.

The Examiner submits that claims 2-11, 13-24, 26, and 27 comprise limitations that are directed toward the non-elected Species II and III and therefore stand as non-elected claims.

Claims 1, 12, 25, and 28 are presented for examination.

2. The previously pending rejections under 35 U.S.C. § 112 are withdrawn in response to Applicant's claim amendments.

### ***Response to Arguments***

3. Applicant's arguments filed May 3, 2006 have been fully considered but they are not persuasive.

Applicant argues that "independent claims 1 and 25 are amended for clarity to emphasize the recitation of 'one of the plurality of operators' is not merely a descriptor

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of the operator-specific documents.” (Page 12 of Applicant’s response) The Examiner addresses this amendment in further detail in the art rejection below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 12, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmour et al. (U.S. Patent No. 6,115,709).

Gilmour discloses a computer executing an optimum operator selection support system, comprising:

[Claim 1] a document computer executable management part that manages a plurality of documents stored by the computer related to a plurality of jobs, with additional information on a plurality of operators who generated the plurality of documents (Figs. 4-6; col. 4, line 48 through col. 5, line 11; col. 5, lines 23-30; col. 12, lines 52-64 -- Knowledge profiles are maintained and stored for multiple users. For example, the e-mails of each user are gathered in a separate knowledge profile corresponding to each user; col. 14, lines 50-58);

a document feature computer executable extraction part that extracts operator-specific documents generated by one of the plurality of operators from the document computer executable management part, and extracts a plurality of features of the

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operator-specific documents for the one of the plurality of operators (col. 4, line 48 through col. 5, line 11; col. 5, lines 23-30; col. 12, lines 52-64; col. 14, lines 50-58 -- A knowledge profile is unique to each corresponding user; therefore, by analyzing one knowledge profile, the documents, e.g., e-mails, generated by a single user of interest are extracted as operator-specific documents); and

a job feature computer executable extraction part that extracts job features from the plurality of features by detecting common features based on a frequency of occurrence of terms in the operator-specific documents extracted by the document feature computer executable extraction part (col. 4, line 48 through col. 5, line 11; col. 5, lines 23-30; col. 14, lines 50-58 -- Knowledge bases held by an individual within an organization/corporation are identified. This knowledge can be related to special work/job environments, such as manufacturing or accounting);

wherein the document computer executable management part identifies a status of the one of the plurality of operators as an optimum operator based on the job features (Fig. 18D; col. 5, lines 23-30; col. 22, lines 23-38 -- Optimum sources of a particular type of knowledge are identified. They may be identified and ranked, i.e., selected, as potential recipients for a given e-mail);

[Claim 12] an optimum operator computer executable selection part that selects optimum operators based on information extracted by the job feature computer executable extraction part (Fig. 18D; col. 5, lines 23-30; col. 22, lines 23-38 -- Optimum sources of a particular type of knowledge are identified. They may be identified and ranked as potential recipients for a given e-mail);

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[Claim 28] wherein the plurality of documents are authored by the same operator (col. 4, line 64; col. 5, lines 1-3).

Gilmour does not expressly teach that the document computer executable management part monitors additions to or alterations of the plurality of documents to determine if a document has been updated or newly added so as to cause an update to the plurality of features; however, Gilmour's knowledge (gleaned directly from a profile owner, i.e., operator, or staff member) is "maintained continuously and automatically" (col. 4, lines 48-58). Also, knowledge profiles (e.g., of operators) can be updated (col. 4, lines 58-61; col. 9, lines 59-62). The Examiner submits that, since a knowledge profile is based on knowledge gleaned from the stored knowledge and related operators, an updated knowledge base will yield more accurate information regarding each operator's current areas of expertise. Since Gilmour updates its knowledge base continuously and automatically, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Gilmour's document computer executable management part to monitor additions to or alterations of the plurality of documents to determine if a document has been updated or newly added so as to cause an update to the plurality of features in order to facilitate the updating of knowledge profiles of operators, thereby assuring that the gleaned knowledge is as accurate as possible regarding current operator expertise.

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[Claim 25] Claim 25 recites limitations already addressed by the rejection of claim 1; therefore, the same rejection applies.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

July 22, 2006